

## **SITE DEVELOPMENT PERMIT**

<b>FILE NO.</b>	<b>H19-014</b>
<b>LOCATION OF PROPERTY</b>	<b>4050 Stevens Creek Boulevard</b>
<b>ZONING DISTRICT</b>	<b>CG Commercial General</b>
<b>GENERAL PLAN DESIGNATION</b>	<b>Neighborhood/Community Commercial</b>
<b>PROPOSED USE</b>	<b>Site Development Permit to demolish a 3,742-square foot one-story wing building and to allow the addition of a 10,150-square foot showroom, and associated site modifications, with removal of nine ordinance-sized trees for an auto dealership (Jaguar) on a 1.87-gross acre site</b>
<b>ENVIRONMENTAL STATUS</b>	<b>Exempt Pursuant to CEQA Guidelines Section 15303 (c) for New Construction or Conversion of Small Structure</b>
<b>APPLICANT/ADDRESS</b>	<b>Hugh Hynes Proto-Inc. 3367 Mission Street San Francisco, California 94110</b>

## **FACTS**

The Director of Planning, Building, and Code Enforcement finds that the following are the relevant facts regarding this proposed project:

- 1. Project Description.** This is a Site Development Permit to demolish a 3,742-square foot one-story wing of an existing building and to allow the addition of a 10,150-square foot showroom and associated site modifications, with removal of nine ordinance-sized trees, for an auto dealership (Jaguar dealership) on a 1.87-gross acre site in the CG Commercial General Zoning District.  
  
The parking provision includes a total of 315 vehicles, including 2 accessible vehicles, 26 clean air vehicle spaces and 5 bicycle spaces. The site will have 24 customer parking, 43 employee and 101 service parking spaces. The site will also have new car inventory parking of approximately 121 spaces on three parcels. Vehicular access will be provided directly via two-way drive aisles access driveways from Stevens Creek Boulevard. A passenger drop-off and pick-up will be provided under a porte cochere on the west side of the building. The proposed auto dealer ship's business hours are from 9:00 a.m. to 10:00 p.m., seven days a week.
- 2. Site Description and Surrounding Uses.** The subject site is located on the south side of Stevens Creek Boulevard, approximately 250 feet west of Saratoga Avenue, at 4040 Stevens Creek Boulevard.

The site is surrounded by commercial retail to the north, across Stevens Creek Boulevard, a retail shopping center and surface parking lots to the south and east and commercial businesses to the west.

3. **General Plan Conformance.** The proposed project is consistent with the General Plan Land Use/Transportation Diagram of the Envision San José 2040 General Plan designation of Urban Village. The Urban Village designation supports a wide variety of commercial, residential, institutional or other land uses with an emphasis on establishing an attractive urban form in keeping with the Urban Village concept.

The proposed project is **consistent** with the following goals and policies of the Envision San Jose 2040 General Plan:

- a. Stevens Creek Urban Village Policy LU-1.5: Support the continued operation of motor vehicle uses, including auto repair, automobile sales and rental lots, and auto parts sales. However, over time, as the market changes, these uses are intended to be redeveloped with uses that are more pedestrian and transit supportive or support the continued existence of auto uses in a more urban, pedestrian-oriented format.
- b. Stevens Creek Urban Village Policy LU-1.8: Building and site improvements for existing interim commercial uses, including auto uses, that require discretionary approvals, shall be designed to improve the pedestrian environment by increasing landscaping adjacent to the sidewalk, installing large canopy street trees, improving the sidewalk consistent with the policies and guidelines of this Plan, providing public art, or providing a publicly-accessible plaza or pocket park. Improvements should also include those that enhance the pedestrian connection or access between the sidewalk and the existing commercial use.

*Analysis: The project is consistent with the General Plan Designation in that it supports an auto-dealership which is a commercial use that creates jobs, is in an urban area and provides convenience of neighborhood retail showroom and services, while generating income and revenue for the City of San José.*

*Additionally, the project includes street improvements that would enhance the pedestrian experience, by providing a 20-foot-wide attached sidewalk, and an art installation. As a condition of approval for this permit, the applicant has agreed to install and maintain an art sculpture at the street frontage along Stevens Creek Boulevard.*

2. **Zoning Ordinance Compliance.** The subject site is located in the CG Commercial General Zoning District. Section 20.100.610 of the City of San José Municipal Code states that a Site Development Permit is required prior to the issuance of any building permit for erection, construction, enlargement, placement or installation of a building or structure in conformance with the applicable zoning regulations. The project is consistent with the setbacks and height of the Zoning Ordinance per Table 1 and as follows:
- a. **Use.** Auto dealership is a permitted use in the CG Commercial General Zoning District. On-site storage of display vehicles is a legal non-conforming use.
  - b. **Setbacks.** The front setback requirement is 15 feet, side corner is 12.5 feet with zero rear and interior side requirements. The proposed setbacks and height are shown in Table I below.
  - c. **Height.** The proposed auto showroom will have a maximum height of 24 feet six inches, in conformance with the required maximum allowable height of 65 feet.

Building Setbacks	Required in feet	Provided in feet
Front	15 feet	53'-4"
Side (north) Side (south)	0	25'-3" 24'-7"
Rear	0	94'-4"
Building Height	65'	24'-6"

**Table 1: Setbacks and Height**

**d. Parking Requirements**

*Vehicle Parking.* Parking requirements, pursuant to Chapter 20.90.060 and Table 20-190, are shown in Table 2 below. A total of 180 parking spaces are required and 313 spaces are provided on three parcels, in conformance with the Zoning Ordinance.

Land Use	Vehicular Parking Code Requirement	Parking Required	Parking Provided	Bicycle Parking Requirement
Indoor sale of vehicles	1 space per 350 square feet of enclosed showroom floor area	8,627 square feet @350 square feet of net floor area = 25 spaces	20 parking spaces	1 per 10 full-time employees @ 40 employees= 4 spaces
Office	2,821	Incidental, so none required	0	
Indoor Service Area	2 spaces per service bay	24 bays=48 parking spaces	69 parking spaces provided	
Outdoor vehicle display area	1 space per 2,500 square feet of open outdoor display area	79,362 square feet @2,500 square feet = 32 spaces	138 display parking spaces	
4050 Stevens Creek showroom/inventory	One space per 350 square feet of enclosed	22,770 square feet @350	65	

	showroom floor area	square feet of net floor area =65 spaces		
3940 Stevens Creek Office	One space per 250 square feet of floor area	2,636 square feet @ 200 square feet of floor area= 10 spaces	21	
Total		180 vehicle spaces required	313 (69 +108+138) Spaces provided	4 bike spaces

**Table 2: Parking Requirements**

*Bicycle Parking.* The auto car dealerships require one bicycle space per 10 full-time employees. The proposed use will have 40 employees, will require four bike spaces, and five bike parking spaces are provided to meet the bicycle parking requirement.

*Lot Line Adjustment Required.* The site comprises of three parcels. A Lot Line Adjustment is required for continual use of the site as one parcel, with shared parking and driveway access from Stevens Creek Boulevard, to serve the auto-related uses on site. This is made a Condition of Approval No. 5 of this permit.

*Easement:* The project is required to provide a Covenant of Easement (COE) for access to Operation and Maintenance (O&M) of stormwater treatment measure purposes over APN parcel 294-40-007 (4050 Stevens Creek Boulevard) for the benefit of 294-40-008 (4040 Stevens Creek Boulevard).

### 3. Commercial Design Guidelines

The project is consistent with the Commercial Design Guidelines, in that the design of the proposed two-story showroom expansion will have an attractive retail storefront construction to create an attractive modern architectural style, and a symmetrical front façade entry design, as viewed from a public street. The finished materials of the two-story showroom building will consist of a combination of horizontal metallic gray wall panels and window glazing framed between metal panels, accentuated with horizontal painted metal canopies to create an attractive design at the street frontage. The side walls consist of a combination of concrete tilt up panels and horizontal metallic gray wall panels with metal cladding materials.

The design includes large display windows at the building entrance, maximizing visibility into the building, providing ample natural light for double height vehicle display area, as well as creating a functional and useful interior building space which will incorporate customers, office staff and sales/service staff.

The site design incorporates landscaping and planters along site frontage. The modern building materials and new perimeter landscaping stimulate interest and emphasize pedestrian scale and customer-oriented design fronting Stevens Creek Boulevard, which is also a Grand Boulevard.

A 3-D art sculpture shall be incorporated and maintained at the street frontage along Stevens Creek Boulevard. This is made Condition of Approval No.4 of this permit.

4. **Environmental Review.** Under the provisions of Section 15303 for New Construction or Conversion of Small Structures, of the State Guidelines for Implementation of the California Environmental Quality Act, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

*Analysis: Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the structures.*

*The project includes expansion of an existing showroom for an existing auto dealership. There are no hazardous substances involved in the operation of the business. The total square footage of the proposed building expansion is approximately 7,500 square feet, which does not exceed 10,000 square feet in floor area and where all public services and facilities are available, in that the site is adequately served via ingress/egress driveways from Stevens Creek Boulevard. This project also meets the criteria to be considered for small projects for transportation analysis, and no additional transportation analysis was required. Furthermore, the site is not on any list or located near an environmentally sensitive area, and, therefore, qualifies for CEQA exemption 15303(c). The project will not cause any adverse impacts to the adjacent sites and surroundings.*

## FINDINGS

The Director of Planning, Building, and Code Enforcement determines, concludes, and finds as follows for this proposed project:

1. **Site Development Permit Findings.** Section 20.100.630 of the San Jose Municipal Code establishes required findings for issuance of a Site Development Permit.

- a. The Site Development Permit, as approved, is consistent with and will further the policies of the general plan and applicable specific plans and area development policies.

*Analysis: As noted above, the proposed project has a Land Use/Transportation Diagram Designation of Urban Village. This designation supports a very broad range of commercial land uses that serve the communities in neighboring areas, such as auto dealerships.*

*The Site Development Permit, as approved, will further the Land Use Policies LU-1.5 and LU-1.8 which support auto-dealership as existing interim commercial uses that create jobs in an urban area and provide convenience of neighborhood retail showroom and services, while generating income and revenue for the City of San José.*

- b. The Site Development Permit, as approved, conforms with the zoning code and all other provisions of the San José Municipal Code applicable to the project.

*Analysis: The subject site is located in the CG Commercial General Zoning District, and the Site Development Permit, as approved, would allow development of a new showroom building expansion, and related site improvements, consistent with the development standards of this zoning district, as analyzed under the zoning ordinance section. The proposed development conforms with all required setbacks, building height regulations, and parking requirements.*

- c. The Site Development Permit, as approved, is consistent with applicable city council policies, or counterbalancing considerations justify the inconsistency.

*Analysis:* The proposed project is consistent with all applicable City Council policies. Pursuant to Council Policy 6-30: Public Outreach Policy, a notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City's website. The project is consistent with Council Policy 6-29, Post-Construction Urban Runoff Management, in that the project plans were reviewed by the Public Works department and determined to be consistent with the City's stormwater requirements.

- d. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.

*Analysis:* The site comprises of three contiguous parcels with three separate buildings on each lot. The auto showroom building is in the middle 1.87-acre parcel. With the showroom expansion, the building coverage will be 75% of the lot, with remaining space utilized for front and rear parking, circulation and landscaping. The ingress and egress driveways and parking spaces will be shared between the three parcels, but there is no change in the layout of the other two buildings. The two-story showroom building will be mutually compatible and aesthetically harmonious, in that all three buildings will co-exist and will remain oriented towards Steven Creek Boulevard. The proposed site layout and orientation of the development is compatible and aesthetically harmonious and the porte cochere on the west side is conveniently located for easy drop-off and pick-up of customers.

- e. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.

*Analysis:* The proposed building elevations of the auto-showroom building will use vertical gray metal panels and glazing accentuated with horizontal beams and canopies to create a visual interest which complements the surrounding commercial buildings. The two-story showroom building will be aesthetically harmonious with adjacent development and the character of the neighborhood, in that the height, mass and building form will remain compatible and the auto showroom building will continue to maintain attractive street presence, with added new landscaping and lighting, along Stevens Creek Boulevard.

- f. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.

*Analysis:* The proposed project will include new landscaping, irrigation and bio treatment areas in compliance with the landscaping and drainage requirements. The site design complies with the City's Commercial Design Guidelines, with adequate planting of new trees and outdoor amenities to significantly enhance and upgrade the appearance of the neighborhood. The project includes removal of 9 ordinance-sized trees and 7 non-ordinance sized trees and planting of 25 24-inch box trees. The project will plant 19 24-inch box trees along the perimeter. Project includes additional trees and planting in the parking lot landscape islands and along the perimeter of the site. Additionally, the landscaping and lighting along the building frontage would enhance the appearance of the development when viewed from public street.

- g. Traffic access, pedestrian access and parking are adequate.

*Analysis:* The proposed project conforms to the parking requirements set forth in the Zoning Ordinance for an auto dealership. This site is accessible by two-way drive aisles off Stevens Creek Boulevard. Adequate pedestrian access is provided via walkways and paved areas connecting the building entrances to the adjacent public sidewalk. The redesigned porte cochere is conveniently located on the west side of the building to be visually noticeable for easy drop-off and pick-up of cars and customers and for ease of circulation on site.

The site proposes surface parking for a total of 313 parking spaces and has adequate circulation space for loading, drop-off, pick up, and ingress and egress of vehicles. The project will not cause any adverse traffic impacts and is in conformance with the City of San Jose Transportation Analysis Council Policy 5-1 per the traffic impact report issued by Department of Public Works dated 3/4/2020.

- h. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.

*Analysis:* The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties, in that the project involves indoor showroom expansion, minor parking lot improvements such as restriping and repaving of an existing parking lot, with landscape improvements and provision of additional trees and bio retention areas, which will not cause noise or vibration or any other negative impacts to the surrounding neighborhood. Stormwater Management and runoff has been reviewed and approved per final Public Works Memorandum dated 3/4/20. The construction hours will be limited to the construction and site improvements of the building between 7:00 a.m. and 7:00 p.m., Monday to Friday. The proposed expansion of an existing indoor showroom for a car dealership, therefore, will not generate noise or adversely impact the adjacent property or properties.

## **2. Tree Removal Findings**

Chapter 13.32 of the San Jose Municipal Code establishes required findings for a Tree Removals which findings are made for the Project based on the above-stated findings related to General Plan, Zoning and CEQA conformance and for the reasons stated below, and subject to the conditions set forth in this Permit.

- a. The location of the trees with respect to a proposed improvement unreasonably restricts the economic development of the parcel in question.

*Analysis:* Nine ordinance-sized trees and 7 non-ordinance sized trees located within the proposed circulation area, landscaping areas, and building footprint for the new project are proposed for removal. The location of the trees throughout the site unreasonably restricts the economic development of the parcel in that the trees will be within the footprint of the proposed building construction and site improvements.

The existing Chinese Elm trees ranging from 33 inches to 56 inches in circumference, Eucalyptus trees range from 31 inches to 73 inches in circumference and London Plane trees range from 14 inches to 39 inches in circumference. The nine ordinance size trees, at 1:4 tree replacement ratio,

require planting of 36 15-gallon trees or 18 24-inch box trees and seven non-ordinance size trees at 1:2 tree replacement ratio require planting of 14 15-gallon trees or 7 24-inch box trees for a total of 50 15-gallon trees or 25 24-inch box trees.

The project proposes to plant 19 24-inch box replacement trees. The site is still short of 6 24-inch box trees. The offsite tree replacement in-lieu fee is \$755 per tree, for a total of \$4,530, payable in full before the issuance of a building permit.

Additionally, the project proposes to plant new street trees along the project's street frontage. The location, size and species of trees will be per the City Arborist purview for the designated street tree, and he can be contacted at: [arborist@sanjoseca.gov](mailto:arborist@sanjoseca.gov). Street tree removal/replacement process is at following url:

<https://www.sanjoseca.gov/yourgovernment/departments/transportation/roads/landscaping/permits>.

	Trees to be removed	Ratio	Replacement trees	New trees proposed to be planted
Ordinance size (38-inches in circumference) trees to be removed	9	1:4	36-15 gallon	30 15-gallon or 15-24-inch box
Non-ordinance sized trees to be removed	7	1:2	14-15 gallon 7-24-inch box	8-15 gallon or 4-24-inch box
Total	16		50	19-24-inch box <b>6-24-inch box trees to be charged in-lieu fees</b>

**Table 3: Tree Planting Requirements**

Pursuant to the Tree Ordinance Chapter 13.32, the replacement trees may be street trees planted in the public right-of-way along the project frontage, if street trees do not currently exist. If at least nine (9) Street trees are planted, the in-lieu tree replacement fees will be waived, otherwise the fees will have to be paid in full before the issuance of a building permit. This is made a Condition of Approval No. 7 of this permit.

Proof of tree replacement planting is required. The applicant shall provide appropriate evidence such as, but not limited to, photographs and/or receipts to the Planning Project Manager of the replacement trees within 60 days of removal of the trees, to verify compliance with the mitigation tree requirements. Such evidence should be sent to the Planning Project Manager labelled H19-014 per condition of approval No.7 of this permit.

In accordance with the findings set forth above, a Site Development Permit for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions

shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use permitted hereby.

**APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
  - a. Acceptance of the Permit by the applicant; and
  - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Permit Expiration.** This Permit shall automatically expire four (4) years from and after the date of issuance hereof by said Director, if within such time period, a Building Permit has not been obtained or the use, if no Building Permit is required, has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this Site Development Permit shall be deemed acceptance of all conditions specified in this Permit and the applicant's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San José Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
4. **Art Installation:** An art sculpture shall be incorporated and maintained at the street frontage along Stevens Creek Boulevard. The 3-D art sculpture shall be installed in the front landscape area of the project site, visible from Stevens Creek Boulevard. An art sculpture proposal is not approved at this time and shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment, prior to issuance of a Grading/Building Permit.
5. **Lot Line Adjustment.** Prior to the issuance of a Building Permit the developer shall secure approval and provide proof of recordation of a Lot Line Adjustment to consolidate the existing three lots.
6. **Timing of Tree Removals.** Trees that are proposed for removal to accommodate new development shall not be removed until the related Public Works Grading or Building permit has been issued.
7. **Replacement Trees.** Sixteen trees are proposed to replace those removed as part of this project. In accordance with the City's standard replacement ratio, 50 15-gallon trees or 25 24-inch box trees are required as replacements on-site. Because all the required replacement trees will not be provided on the site, the applicant shall pay an in-lieu fee of \$755 per tree made payable to the City of San Jose, for each replacement tree that is not provided on-site or not provided as a replacement Street tree. Based on the above numbers, the applicant shall make an in-lieu payment for six 24-inch box trees, in the amount of \$4,530, made payable to "The City of San Jose." The applicant shall provide

appropriate evidence such as, but not limited to, photographs and/or receipts to the Planning Project Manager, to verify compliance with said mitigation requirements. Such evidence shall be labeled “File Number H19-014” and provided to the Planning Project Manager, prior to the issuance of Building Permits or any Public Works clearances.

8. **Permit Posting.** Prior to commencement of and during removal of any ordinance-size tree pursuant to this Permit, the applicant shall post on the site, or cause to be posted, a copy of this validated Permit in conformance with the following:
  - a. The copy of the Permit shall be a minimum size of 8.5 by 11.0 inches; shall be posted at each public street frontage within 2 feet of the public sidewalk or right-of-way; and shall be posted in such a manner that the Permit is readable from the public sidewalk or right-of-way; or
  - b. If the site does not have a public street frontage, a copy of the Permit shall be posted at a location where the Permit is readable from a common access driveway or roadway.
9. **Presentation of Permit.** During removal of any ordinance-size tree pursuant to this Permit, the applicant shall maintain the validated Permit on the site and present it immediately upon request by the Director of Planning, Building and Code Enforcement, Police Officers or their designee
10. **Over-Excavation.** All tree planting areas, including street trees, shall be over-excavated and new topsoil placed, to ensure the health of the trees.
11. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
12. **Conformance to Plans.** Development of the site shall conform to approved Site Development plans entitled “San Jose Jaguar Land Rover” dated March 3, 2020, on file with the Department of Planning, Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 17, Chapter 17.04), with the exception of any subsequently approved changes.
13. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance.
14. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San Jose Municipal Code.
15. **Utilities.** All new on-site telephone, electrical, and other overhead service facilities shall be placed underground.

16. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
17. **Noise Control.** Maximum noise levels emanating from the mechanical equipment enclosure shall not exceed 55 decibels at the closest adjacent residential property line. Noise-Level shall be measured after installation of the A/C equipment and construction of a five-foot CMU wall equipment enclosure, to assure that the operational noise-level does not exceed the maximum allowance of 55 dB at the property lines.
18. **Outdoor Storage.** No outdoor storage shall be allowed or permitted.
19. **Anti-Graffiti.** The permittee shall remove all graffiti from buildings, fences, and wall surfaces within 48 hours of defacement.
20. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris.
21. **Trash.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping.
22. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment.
23. **Building and Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping.
24. **Street Number Visibility.** Street numbers of the buildings shall be easily visible from the street at all times, day and night.
25. **Colors and Materials.** All building colors and materials are to be those specified on the Approved Plan Set.
26. **Generators.** This permit does not include the approval of any stand-by/backup electrical power generation facility. Any future stand-by/backup generators shall secure appropriate permits and shall conform to the regulations of Title 20 of the Municipal Code.
27. **Landscaping.** Planting and irrigation are to be provided, as indicated, on the final Approved Plan Set. Landscaped areas shall be maintained and watered and all dead plant material is to be removed and replaced by the property owner. Irrigation is to be installed in accordance with Part 3 of Chapter 15.11 of Title 15 of the San José Municipal Code, Water Efficient landscape Standards for New and Rehabilitated Landscaping and the City of San José Landscape and Irrigation Guidelines.
28. **Irrigation Standards.** The applicant shall install an adequately sized irrigation distribution system with automatic controllers in all areas to be landscaped that conforms to the Zonal Irrigation Plan in the Approved Plan Set and is consistent with the City of San José Landscape and Irrigation Guidelines. The design of the system shall be approved and stamped by a California Registered Landscape Architect.
29. **Lighting.** All new on-site, exterior, unroofed lighting shall conform to the City's Outdoor Lighting Policy and shall use fully cut-off and fully shielded, LED fixtures as shown in the Approved Plan Set. Lighting shall be designed, controlled and maintained so that no light source is visible from outside of the property. All proposed changes shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment.

30. **Building Division Clearance for Issuing Permits.** Prior to the issuance of a Building Permit for a new building (excluding façade improvements to the existing buildings), the following requirements must be met to the satisfaction of the Chief Building Official:
- Construction Plans.* This permit file number, **H19-014**, shall be printed on all construction plans submitted to the Building Division.
  - Americans with Disabilities Act.* The applicant shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
  - Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to any Building Permit issuance, Building Permit plans shall conform to the approved Planning development permits and applicable conditions.
  - Project Addressing Plan.* Prior to issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official: The project applicant shall submit an addressing plan for approval for the subject development (residential, mixed use, complex commercial or industrial). The addressing plan should include proposed street names for the streets (as referenced on an approved tentative map) and the type of addressing (i.e., individual street addresses as compared to unit number off of a primary street).
31. **Fire Department Clearance for Issuing Permits.** The Fire Department's review was limited to verifying compliance of the project to Chapter 5, Appendix BB, Appendix C, and Appendix D of the 2016 California Fire Code (CFC) with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.
32. **Fire Flow.** The Fire Flow shall meet the requirements of CFC Appendix BB. Provide the Required Fire Flow (in gpm) calculations to SJFD for approval. The Required Fire Flow is calculated based on the building construction type, size of the building, and fire sprinkler occupancy classification. The Required Fire Flow can be calculated by referring to the San Jose Fire Flow and Hydrant Policy. The policy can be obtained at <http://sanjoseca.gov/DocumentCenter/View/61703>.
33. **Fire Hydrant Location & Spacing.** The Fire Hydrant Location & Spacing shall meet the requirements of CFC Appendix C with City of San Jose Amendments. Show the location and spacing of the fire hydrants on the plans meeting the following general requirements.
34. **Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the first Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits for a new building (excluding façade improvements to the existing buildings), whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions.
- Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.

- b. **Transportation:** A Traffic Impact Analysis has been performed for this project based on 58 AM and 69 PM peak hour trips. With the inclusion of the conditions identified in the Traffic memo dated 3/04/2020, the subject project will be in conformance with the City of San Jose Transportation Analysis Policy (Council Policy 5-1) and a determination for less-than-significant impacts can be made with respect to transportation impacts.
- c. **Urban Village Plan:** This project is in a designated Urban Village per the Envision San Jose 2040 General Plan. Urban Villages are designed to provide a vibrant and inviting mixed-use setting to attract pedestrians, bicyclists, and transit users of all ages and to promote job growth.
- d. **Grand Boulevard:** This project fronts Stevens Creek Boulevard which is designated as one of the seven Grand Boulevards per the Envision San Jose 2040 General Plan. Grand Boulevards are identified to serve as major transportation corridors for primary routes for VTA light-rail, bus rapid transit, standard or community buses, and other public transit vehicles. Project must provide a 20' sidewalk and accommodations for emergency, moving, garbage, and commercial vehicles onsite.
- e. **Grading/Geology:**
  - i. A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
  - ii. All on-site storm drainage conveyance facilities and earth retaining structures 4 foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2013 California Plumbing Code or submit a stamped and signed engineered design alternative for Public Works discretionary approval and must be designed to convey a 10-year storm event.
  - iii. The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The report should also include, but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.
- f. **Stormwater Peak Flow Control Measures:** The project is in a non-Hydromodification Management area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).
- g. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.

- i. The project's Stormwater Control Plan and numeric sizing calculations have been reviewed and this project will be in conformance with City Policy 6-29.
- ii. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
- iii. A design of the pervious pavement by a Licensed Geotechnical Engineer shall be submitted prior to the issuance of a Public Works Clearance.
- h. **Flood Zone D:** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Flood Zone D.
- i. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
- j. **Street Improvements:**
  - i. Remove existing curb, gutter, and sidewalk and construct a 20' attached sidewalk with tree wells at back of curb. This requires a 10' street dedication along project frontage on Stevens Creek Boulevard of the three parcels of the dealership.
  - ii. Proposed driveway width to be 26' for westernmost driveway on 4050 Stevens Creek Boulevard and central driveway on 4040 Stevens Creek Boulevard, and 16' for exit only driveway on 4040 Stevens Creek Boulevard.
  - iii. Close unused driveway cut(s).
  - iv. Developer shall be responsible for adjusting existing utility boxes/vaults to grade, locating and protecting the existing communication conduits (fiber optic and copper) along the project frontage.
  - v. Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
- k. **Electrical:** Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
- l. **Street Trees:** The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only.
- m. **Easements:** The project is required to provide a Covenant of Easement (COE) for access to Operation and Maintenance (O&M) of stormwater treatment measure purposes over APN parcel 294-40-007 (4050 Stevens Creek Boulevard) for the benefit of 294-40-008 (4040 Stevens Creek Boulevard).

**35. Revocation, Suspension, Modification.** This Site Development Permit may be revoked, suspended or modified by the Planning Director, or by the Planning Commission on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San José Municipal Code it finds:

- a. A violation of any conditions of the Site Development Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
- b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates a nuisance.

**APPROVED** and issued on this **6th day of May 2020.**

Rosalynn Hughey, Director  
Planning, Building, and Code Enforcement

Deputy